

§ 712.37

medical assessment of an HRP candidate and HRP-certified individual to the SOMD, who must make a recommendation, based on the assessment, to the individual's HRP management official. If the Designated Physician determines that a currently certified individual no longer meets the HRP requirements, the Designated Physician must immediately, orally, inform the HRP management official. A written explanation must follow within 24 hours.

(g) The Designated Physician, the Designated Psychologist, or the SOMD may make a medical recommendation for return to work and work accommodations for HRP-certified individuals.

(h) The following documentation is required after treatment of an individual for any disqualifying condition:

(1) A summary of the diagnosis, treatment, current status, and prognosis to be furnished by the treatment provider to the Designated Physician;

(2) The medical opinion of the Designated Physician advising the individual's supervisor whether the individual is able to return to work in either an HRP or non-HRP capacity; and

(3) Any periodic monitoring plan, approved by the Designated Physician or the Designated Psychologist and the SOMD, used to evaluate the reliability of the individual.

(i) If the disqualifying condition was of a security concern, the appropriate procedure described in 10 CFR part 710, subpart A, applies.

[69 FR 3223, Jan. 23, 2004, as amended at 71 FR 68731, Nov. 28, 2006]

§ 712.37 Evaluation for hallucinogen use.

If DOE determines that an HRP candidate or HRP-certified individual has used any hallucinogen, the individual is not eligible for certification or recertification unless:

(a) Five years have passed since the last use of the hallucinogen;

(b) There is no evidence of any flashback within the last five years from the previous hallucinogen use; and

(c) The individual has a record of acceptable job performance and observed behavior.

10 CFR Ch. III (1–1–09 Edition)

§ 712.38 Maintenance of medical records.

(a) The medical records of HRP candidates and HRP-certified individuals must be maintained in accordance with the Privacy Act, 5 U.S.C. 552a, and DOE implementing regulations in 10 CFR part 1008; the Department of Labor's regulations on access to individual exposure and medical records, 29 CFR 1910.1020; and applicable DOE directives. DOE contractors also may be subject to section 503 of the Rehabilitation Act, 29 U.S.C. 793, and its implementing rules, including confidentiality provisions in 41 CFR 60–741.23 (d).

(b) The psychological record of HRP candidates and HRP-certified individuals is a component of the medical record. The psychological record must:

(1) Contain any clinical reports, test protocols and data, notes of individual contacts and correspondence, and other information pertaining to an individual's contact with a psychologist;

(2) Be stored in a secure location in the custody of the Designated Psychologist; and

(3) Be kept separate from other medical record documents, with access limited to the SOMD and the Designated Physician.

PART 715—DEFINITION OF NON-RECOURSE PROJECT-FINANCED

Sec.

715.1 Purpose and scope.

715.2 Definitions.

715.3 Definition of “Nonrecourse Project-Financed.”

AUTHORITY: 42 U.S.C. 7651o(a)(2)(B); 42 U.S.C. 7254.

SOURCE: 56 FR 55064, Oct. 24, 1991, unless otherwise noted.

§ 715.1 Purpose and scope.

This part sets forth the definition of “nonrecourse project-financed” as that term is used to define “new independent power production facility,” in section 416(a)(2)(B) of the Clean Air Act Amendments of 1990, 42 U.S.C. 7651o(a)(2)(B). This definition is for purposes of section 416(a)(2)(B) only. It is not intended to alter or impact the

Department of Energy

Pt. 719

tax treatment of any facility or facility owner under the Internal Revenue Code and regulations.

§ 715.2 Definitions.

As used in this subpart—

Act means the Clean Air Act Amendments of 1990, 104 Stat. 2399.

Facility means a “new independent power production facility” as that term is used in the Act, 42 U.S.C. 7651o(a)(2).

§ 715.3 Definition of “Nonrecourse Project-Financed”.

Nonrecourse project-financed means when being financed by any debt, such debt is secured by the assets financed and the revenues received by the facility being financed including, but not limited to, part or all of the revenues received under one or more agreements for the sale of the electric output from the facility, and which neither an electric utility with a retail service territory, nor a public utility as defined by section 201(e) of the Federal Power Act, as amended, 16 U.S.C. 824(e), if any of its facilities are financed with general credit, is obligated to repay in whole or in part. A commitment to contribute equity or the contribution of equity to a facility by an electric utility shall not be considered an obligation of such utility to repay the debt of a facility. The existence of limited guarantees, commitments to pay for cost overruns, indemnity provisions, or other similar undertakings or assurances by the facility’s owners or other project participants will not disqualify a facility from being “nonrecourse project-financed” as long as, at the time of the financing for the facility, the borrower is obligated to make repayment of the term debt from the revenues generated by the facility, rather than from other sources of funds. Projects that are 100 percent equity financed are also considered “nonrecourse project-financed” for purposes of section 416(a)(2)(B).

PART 719—CONTRACTOR LEGAL MANAGEMENT REQUIREMENTS

Subpart A—General Provisions

Sec.

719.1 What is the purpose of this part?

719.2 What are the definitions of terms used in this part?

719.3 What contracts are covered by this part?

719.4 Are law firms that are retained by the Department covered by this part?

719.5 What contracts are not covered by this part?

719.6 Are there any types of legal matters not included in the coverage of this part?

719.7 Is there a procedure for exceptions or deviations from this part?

Subpart B—Legal Management Plan

719.10 What information must be included in the legal management plan?

719.11 Who must submit a legal management plan?

719.12 When must the plan be submitted?

719.13 Who at the Department must receive and review the plan?

719.14 Will the Department notify the contractor concerning the adequacy or inadequacy of the submitted plan?

719.15 What are the requirements for a staffing and resource plan?

719.16 When must the staffing and resource plan be submitted?

719.17 Are there any budgetary requirements?

Subpart C—Engagement Letter

719.20 When must an engagement letter be used?

719.21 What are the required elements of an engagement letter?

Subpart D—Reimbursement of Costs Subject to This Part

719.30 Is there a standard for determining cost reasonableness?

719.31 How does the Department determine whether fees are reasonable?

719.32 For what costs is the contractor, or Department retained counsel, limited to reimbursement of actual costs only?

719.33 What categories of costs are unallowable?

719.34 What is the treatment for travel costs?

719.35 What categories of costs require advance approval?

719.36 Who at the Department must give advance approval?

719.37 Are there any special procedures or requirements regarding subcontractor legal costs?

719.38 Are costs covered by this part subject to audit?

719.39 What happens when more than one contractor is a party to the matter?